

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-7147**

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HAROLD SMITH, JR.,

Petitioner - Appellant,

versus

UNITED STATES OF AMERICA,

Respondent - Appellee.

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**No. 03-7608**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

HAROLD SMITH, JR.,

Defendant - Appellant.

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Appeals from the United States District Court for the District of South Carolina, at Greenville. G. Ross Anderson, Jr., District Judge. (CA-02-2456-13AK; CA-02-2456)

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Submitted: February 12, 2004

Decided: June 3, 2004

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Before LUTTIG, WILLIAMS, and MOTZ, Circuit Judges.

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No. 03-7147, dismissed; No. 03-7608, affirmed by unpublished per curiam opinion.

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Harold Smith, Jr., Appellant Pro Se. William Corley Lucius, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

In these consolidated appeals, Harold Smith, Jr., appeals the district court's orders denying his motion for a certificate of appealability (No. 03-7147) and his motion for a copy of records at the government's expense (No. 03-7608). As to No. 03-7147, a certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find both that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have reviewed the record and conclude Smith has not made the requisite showing. Accordingly, in No. 03-7147, we deny a certificate of appealability and dismiss the appeal. As to No. 03-7608, we have reviewed the record and find no reversible error. Accordingly, in No. 03-7608, we affirm for the reasons stated by the district court. See Smith v. United States, No. CA-02-2456 (D.S.C. Sept. 3, 2003). While we grant Smith leave to proceed in forma pauperis in No. 03-7608, we deny his motions for appointment of counsel and for abeyance in No. 03-7147. We also deny his motion to stay these appeals, his motion for injunctive relief, and his motion to consolidate these appeals with

two other cases. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

No. 03-7147, DISMISSED  
No. 03-7608, AFFIRMED